

**LITCHFIELD PLANNING BOARD**

**July 21, 2009**

**Minutes Approved 8/4/09**

**Members present:**

Alison Douglas, Chairman

Edward Almeida, Vice Chairman

Leon Barry

Carlos Fuertes

Steven D. Perry, Selectmen's Representative

**Members not present:**

Marc Ducharme, Clerk

Jason Brennen

**AGENDA**

**1. Public Hearing for Site Plan regulations per RSA675:7 Vehicular Circulation Standards.**

**2. Home Occupation Application - Applicant Cindy Reilly, 279 Charles Bancroft Highway, Tax Map 12 Lot 24. Proposed Home Occupation - Dog/Pet Grooming**

**3. Sign Permit - Barkin Bubbles at 279 Charles Bancroft Highway**

**4. Etchstone Properties (Canberra HOP, Pinecrest Road) release of escrow moneys**

**5. Northbridge - release of escrow funds (Annandale Fields).**

**6. CTAP Phase II Discretionary Grant**

**7. Stage Crossing - Amendment to Site Plan**

**8. Pinecreek Subdivision - Tree Cutting Plan**

**Any Other Business: Approve 6/2/09 and 6/16/09 minutes**

Chairman Douglas called the meeting to order at 7:08 p.m.

**1. PUBLIC HEARING**

The Planning Board held a Public Hearing for proposed amendments to the site plan regulations: Adopt Section 120.1 Vehicular Circulation Standards. Chairman Douglas

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opened the Public Hearing to public comment. There was no public comment. She then asked if Planning Board members had any comments. Mr. Perry asked Mr. Wagner if this is exactly what the members had read before. Mr. Wagner replied yes.

At 7:10 p.m. Member Carlos Fuertes entered the meeting.

Mr. Barry **MOTIONED** to accept the Vehicular Circulation Standards per RSA675:7. Mr. Almeida seconded. Motion carried 5-0-0.

### 2. HOME OCCUPATION - 279 Charles Bancroft Highway

Applicants: Mr. & Mrs. Mark & Cindy Reilly were present. Fees have been paid and abutters have been notified. There will be one employee: Cindy Reilly.

**Application Acceptance** - Chairman Douglas **ENTERTAINED A MOTION** to accept the home occupation application at 279 Charles Bancroft Highway, Tax 12 Lot 24, for a proposed home occupation for dog and pet grooming. Mr. Barry **SO MOVED**. Mr. Perry seconded. Motion carried 5-0-0.

**Application Approval** - Mrs. Reilly explained that the business would be opened Tuesday through Saturday from 8:00 a.m. to 4:00 p.m. She anticipates about four dogs a day by appointment so there will not be a lot of cars coming to the property. She said that the driveway is wide enough for cars to turn around.

She provided information on a natural shampoo she will be using that is safe for the environment and information on a waste disposal system. The bath bathing system uses half the water. Mr. Reilly said that it recycles the water and this will cut down on the water usage. Mrs. McKibben asked how the soap is taken out of the water. Mr. Reilly: When the dog is rinsed, the water stays in the tub. The system is a sump pump so as you add the soap to it, it recycles the soap through it, then when you rinse the dog off, drain that and then you use fresh water again.

Mr. Leon Barry asked how they plan to take care of the animal waste. Mrs. Reilly explained they are planning to install a doggy dooley that is a mini dog leachfield that goes in the ground. Mr. Barry asked how does it break down the waste. He was told that it has chemicals where you put enzymes in the system and that breaks down the waste and turns it into a liquid. It is harmless to lawns, pets, etc. This was discussed. There is no concern as to the quantity to be dispose because she will only have a few dogs a day. It is not a kennel; only a drop off operation.

The Home Occupation would be located in the basement. They plan to put in a 6 foot slider to the walk out area. There will be only a few cages because she does not anticipate a lot of animals being caged; they won't be there long enough.

As to lighting, there will be motion sensor lights outside and landscape lighting along the walkway. To this, Mr. Barry said to make sure that the lights are in compliance with the regulations.

Mr. Edward Almeida **MOTIONED** to accept and approve the (home occupation) permit for Cindy Reilly and Mark Reilly, 279 Charles Bancroft Highway, Tax Map 12 Lot 24 for a dog and pet grooming business. Hours of operation would be 8:00 a.m. to 4:00 p.m. Tuesday through Saturday. Mr. Carlos Fuertes seconded. Motion carried 5-0-0. The applicants were told that the Home Occupation permit is renewed annually.

### **3. SIGN APPLICATION - 279 Charles Bancroft Highway**

Mr. & Mrs. Mark & Cindy Reilly stayed to talk about a sign permit for the home occupation approved above. Mrs. Reilly showed a picture of what she would like to put on the sign: it shows a picture of a dog with coloring and some wording. The members had no problem with the coloring as long as it is an earth tone pink and not florescent or bright pink. The wording is Barkin Bubbles, has the phone number and it will state by appointment. The sign will hang from the mailbox and will not be lit. The background of the sign will be white with black lettering.

Talk went on as to the material to be used for the sign. It was suggested checking out a sign company and perhaps using a composite sign that would last for a long time. Mrs. Reilly told the Board that she would bring in a copy of the sign before it is finalized.

Chairman Douglas **ENTERTAINED A MOTION** to accept the sign application with black lettering, earth tone color, two-foot square regulation. Mr. Perry pointed out that it is two square feet, not two-foot square. The sign will be on the mailbox. Mr. Barry **MOTIONED** for a two square foot sign to accept the sign permit that would follow the guidelines of an earth tone color for the picture, letters to be in black. There will be no lighting and it will be attached to the mailbox and on it will basically be the name of the business, the phone number and the logo. Mr. Fuertes seconded. Motion carried 5-0-0.

**Recess** - At 7:47 p.m. the members recessed. At 7:50 p.m. the members returned except for Selectman Steve Perry who returns later.

### **4. ETCHSTONE PROPERTIES - CANBERRA VILLAGE**

Mrs. Joan McKibben said that the work has been completed satisfactorily and she suggested releasing the escrow money. The drainage has been taken care of and the Road Agent (John Pinciario) and Kevin Lynch (Code Enforcement Officer) have no problem with releasing the funds. The escrow fund is approximately \$5,000.

Mr. Edward Almeida **MOTIONED** to release the escrow money balance of Etchstone

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Properties for Canberra and Pinecrest Road. Mr. Carlos Fuertes seconded. Motion carried 4-0-0.

**5. ANNANDALE FIELDS**

Mrs. McKibben told the members that there is a new owner of Annandale Fields, Manny Sousa, who purchased the property on May 19, 2009. So, there is escrow money belonging to Northbridge and Sovereign Bank (who put in a portion of the funds) that needs to be released. She told the Board that all the bills have been paid.

Mr. Leon Barry **MOTIONED** to release the funds to Northbridge and Sovereign Bank in reference to Annandale Fields. Mr. Almeida seconded. Motion carried 4-0-0.

**6. CTAP PHASE II DISCRETIONARY GRANT**

Mr. Steve Wagner, NRPC Circuit Rider, provided a draft of the grant application for the Board's perusal. The grant is for \$10,000 to do two ordinances. Mr. Wagner listed four potential ordinances in the application as follows: 1. Conservation Subdivision. 2. Protection of Groundwater and Surface Water Resources 3. Inclusionary Housing. 4. Agricultural Incentive Zoning.

The CTAP (Community Technical Assistance Program) representative was/is Raymond Peebles and the alternate is Joan McKibben. The Board is still not certain as to whether or not Mr. Peebles has resigned and Mr. Edward Almeida is his replacement. This needs to be cleared up.

Mr. Wagner said that the Board could pick any two ordinances listed in the book Innovative Land Use Planning Techniques. He picked the four listed in the application because he felt these are the ordinances the Board indicated they wanted to work on. Talk ensued as to defining the four listed potential ordinances.

At 8:15 p.m. Selectman Steve Perry returned.

If the Planning Board is in favor of the grant, it will have to be approved by the Board of Selectmen, and then forwarded to the State. Hopefully, the ordinance(s) will go before the townspeople in March. Members will have to decide which two to go forward with and also decide if it would be a subcommittee of the Planning Board or the Planning Board. The Board needs to work on workforce housing in order to meet the State's requirement of January 2010. Mr. Wagner does not think it will take a long time to come up with an ordinance because he does have a template he can follow so this should save time.

At this time, Mr. Barry questioned why there isn't any place on the application for the Planning Board to approve the grant when it states the Planning Board has to approve the

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1 application. This is something to take up with CTAP.

2  
3 Selectman Perry said that he would try to put the application approval at the beginning of  
4 the Selectmen's meeting on July 27, 2009.

5  
6 Mr. Almeida **MOTIONED** to accept and approve the CTAP application requesting  
7 CTAP grant funding in the amount of \$10,000 for the project of Innovative Land Use  
8 Ordinance Development. Once accepted to move forward submitting it to the Board of  
9 Selectmen. Mr. Barry seconded. Motion carried 5-0-0.

### **7. STAGE CROSSING SUBDIVISION**

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13 Mrs. Joan McKibben told the Board that Lou Caron (L.C. Engineering) was out at the site  
14 on June 23rd to review the punch list with Summit Excavating. Road Agent John (Jack)  
15 Pinciario wrote a letter to Summit Excavating on July 20, 2009, rescinding the items listed  
16 on the site plan. Mrs. McKibben read the letter aloud. It was said that the Road Agent  
17 cannot rescind items on the site plan but rather it comes under the Planning Board's  
18 jurisdiction. The items rescinded are the streetlight which was to be located by Library  
19 Drive and the curbing on Route 3A. Lou Caron had met with John Pinciario and Bob  
20 Grondin, site manager (Summit Excavating) and he writes to the Planning Board that he  
21 agrees with taking out the curbing because this is what D.O.T. (Department of  
22 Transportation) wanted. Regarding rescinding the streetlight, Mr. Caron states that Jack  
23 (Road Agent Pinciario) will check with the Board of Selectmen. It was not certain if Mr.  
24 Pinciario did check with the Selectmen.

25  
26 It was said that Mr. Pinciario was under the impression that it was his call whether or not  
27 to install a streetlight. The approved plan states the Road Agent shall determine the type  
28 of streetlight; it does not say the Road Agent has the jurisdiction to rescind it. The plan  
29 calls for the streetlight to be located on Town property. Mrs. McKibben pointed out that  
30 the Planning Board should have checked with the Selectmen when the plan was approved  
31 being it was to be placed on Town property thus incurring additional cost to the Town. It  
32 was also pointed out that when the plan was approved, the Board might have thought the  
33 light was on Stage Crossing's property, not the Town's.

34  
35 All in all, the Board felt that this matter should have come before the Planning Board  
36 since it is a site plan change and an amended plan should be submitted. No action was  
37 taken this evening awaiting feedback from the Stage Crossing Condo Association. This  
38 will be discussed at the next meeting and a vote taken to eliminate these items from the  
39 approved site plan. The Board would get an asbuilt once the project is completed. The  
40 Condo Association will be notified to determine how they feel about the streetlight.

### **8. PINECREEK SUBDIVISION**

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43  
44 The Board discussed a tree-cutting plan that was approved for the single-family homes  
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1 along Route 3A which are part of the Pinecreek Subdivision. It was said that some of the  
2 trees were removed in order to meet site distance.

3  
4 Selectman Perry said they cleared the lots but they did not adhere to the plan and when  
5 they went back to clear the hills to get the site distance, they just cleared the rest of the  
6 trees.

7  
8 The plans were reviewed regarding the elevations. Chairman Douglas provided minutes  
9 that talk about the tree-cutting plan: April 4, 2006 and March 7, 2009. The minutes  
10 reference conversations with Carl Kasierski (Ashwood) about the plan. The subdivision  
11 was recorded in 2005 and the tree-cutting plan came up in 2006, so, it was not part of the  
12 recorded plan. The Code Enforcement Officer was not aware of the tree-cutting plan  
13 because it was not recorded nor was it referenced on the recorded plan.

14  
15 Mrs. McKibben: In good faith, Ashwood agreed to it (tree-cutting plan).

16  
17 Members also felt that even though the Code Enforcement Officer was not aware of the  
18 plan, that Ashwood Homes was certainly aware of it and agreed to follow it. It was said  
19 that some of the trees had to be cut due to the line of sight as required by the State. There  
20 is 400 feet needed either way for site distance. It was said that perhaps when the Board  
21 members reviewed the tree-cutting plan, they did not look at the grading plan. Talk  
22 ensued. It was agreed to have Ashwood meet with the Board to discuss this matter further  
23 and to discuss the matter with Town Counsel. The question remains is what Ashwood did  
24 was it correct because of the grading plan, and if not correct, they would have to restore  
25 the site.

26  
27 Back to the 2006 minutes, Mr. Kasierski had stated in the minutes that, "we do not want  
28 to remove any more trees than we have to". The 2005 minutes should be reviewed to see  
29 if there is something regarding the tree-cutting plan when the Planning Board originally  
30 approved the subdivision. Chairman Douglas felt that there is no excuse on Ashwood's  
31 part because it is the same builder and they agreed to the tree-cutting plan.

32  
33 Mrs. McKibben will write to Mr. Kasierski of Ashwood requesting they meet with the  
34 Board and ask him how they plan to mitigate the damage. Also, Mr. Perry suggested  
35 talking with the Code Enforcement Officer as to whether he is in agreement, or not in  
36 agreement, with what was cut and does it match the plan. Mrs. McKibben said that  
37 Kevin said it is a done deal. Mr. Perry will speak with Kevin Lynch. Mrs. McKibben  
38 will hold off writing the letter until she hears from Mr. Perry about his conversation with  
39 Kevin. Talk ensued.

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41 **Sprinklers** - Mrs. McKibben explained that the Fire Chief and the Code Enforcement are  
42 going at it regarding 555 Charles Bancroft house along Route 3A that is part of the  
43 Pinecreek subdivision. The approved plan states fire suppression either a fire hydrant,  
44 cistern, sprinklers, etc. but Mr. Perry said the Planning Board had agreed on sprinkler  
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1 systems so the rest should not be on the plan.

2  
3 Mrs. McKibben said that Mr. Bergeron (former Code Enforcement Officer) had issued  
4 the permit with a sprinkler system to be installed and Ashwood had brought in a plan for  
5 the system. Now there is an issue as to whether they are going to use sprinklers.

6  
7 Chairman Douglas told the Board that according to Kevin (Code Enforcement Officer)  
8 there are requirements you have to meet if you install sprinklers in accordance with  
9 NFPA and he is saying that Tom (Fire Chief) is adding additional requirements in  
10 addition to the NFPA requirements and he does not feel it is correct because there is  
11 nothing in the regulation. Mr. Steve Wagner pointed out that in Section 407 of the  
12 subdivision regulations it talks about fire protection and also he believes that the project  
13 was approved before the State fire code took affect.

14  
15 The regulation states that the Litchfield Fire Department shall review fire protection prior  
16 to Planning Board approval of the subdivision. It was pointed out that the Fire  
17 Department does not want cisterns. There is a letter to Kevin Lynch from Tom Schofield  
18 stating several reasons why the proposed sprinkler system does not comply. There is talk  
19 that Ashwood does not want to do sprinklers but instead cisterns but the building permit  
20 was issued on the premise that they would be sprinklers. Mr. Wagner said there are no  
21 standards any more for cisterns. Chairman Douglas said that Kevin told her that he spoke  
22 with Ashwood and they agreed with having a third party (review sprinkler plan) and  
23 Ashwood would agree to pay for it.

24  
25 Talk ensued. Mrs. McKibben said there is a letter dated February 2005 from the Fire  
26 Chief thanking the Board for its decision to install sprinklers regarding the houses to be  
27 built on Charles Bancroft Highway. The letter was written prior to approval of the  
28 subdivision as required by the regulation.

29  
30 Mrs. McKibben asked if they (Ashwood) have the right to change their minds after they  
31 got the building permit. There was a sprinkler plan submitted with the building permit  
32 and sent to the Fire Department for review. Mr. Wagner felt because of the way the  
33 regulation reads that the Fire Department has the final say as to fire protection. It was  
34 agreed to call Town Counsel for an opinion.

35  
36 Chairman Douglas summarized: There is a building permit on one of the three houses to  
37 be built on Route 3A that was issued with sprinklers to be installed. Now they may  
38 change their minds and the question is can they do that once the permit has been issued?  
39 Mr. Perry said the plan was approved with sprinklers, or they can put in a hydrant, but it  
40 was never approved with cisterns. Mr. Wagner stated that this is an amended plan and so  
41 they need to come before the Board.

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43 Chairman Douglas will contact Town Counsel. Mrs. McKibben then pointed out that the  
44 Fire Chief does not want an antifreeze system and Kevin is saying that Tom does not  
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1 have the right to say that.

2  
3 Mr. Perry: If the Fire Department has the final say...can they put more stringent  
4 requirements than the NFPA?

5  
6 All in all, it is not certain what Ashwood is planning to do at this point. Another option is  
7 to put in a fire hydrant(s) but they would need to get approval from Manchester because it  
8 is their water system. Mrs. McKibben suggested calling De Zielinski, of Ashwood  
9 Homes, to see if indeed they are not going to install sprinklers.

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11 At 9:35 p.m. Selectman Perry left the meeting.

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13 **9. ANY OTHER BUSINESS**

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15 **Minutes** - The June 2nd minutes were reviewed and corrections noted. Mr. Barry  
16 **MOTIONED** to accept the June 2, 2009, minutes as amended. Mr. Fuertes seconded.  
17 Motion carried 4-0-0.

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19 Mr. Fuertes **MOTIONED** to accept the June 16, 2009, minutes as amended. Mr. Almeida  
20 seconded. Motion carried 4-0-0.

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22 **Home Occupation/Sally Bouchard** - Mrs. McKibben said she sent a letter to Sally  
23 Bouchard at the Board's direction requesting a response within thirty (30) days to her  
24 home occupation renewal. It has been over thirty days. The reason for the letter was to  
25 clear up a couple of items on the application. So far, she has not responded to the letter.  
26 Chairman Douglas said she would contact Mrs. Bouchard.

27  
28 **Home Occupation Application Form** - Member Carlos Fuertes suggested there be a line  
29 on the form requesting the hours of operation for proposed businesses.

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31  
32 There being no further business, Chairman Douglas **MOTIONED** to adjourn the meeting  
33 at 10:10 p.m. Mr. Fuertes seconded. Motion carried 4-0-0. The meeting adjourned at  
34 10:10 p.m.

35 Lorraine Dogopoulos  
36 Recording Secretary

37  
38 Date \_\_\_\_\_ A. Douglas, Chair \_\_\_\_\_  
39 E. Almeida, Vice-Chair \_\_\_\_\_  
40 L. Barry \_\_\_\_\_  
41 C. Fuertes \_\_\_\_\_  
42 S. Perry \_\_\_\_\_  
43